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STATUTORY INSTRUMENTS

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**1980 No. 569**

**MERCHANT SHIPPING**

**The Merchant Shipping Act 1979 (Guernsey) Order 1980**

<i>Made</i>	- - - -	<i>21st April 1980</i>
<i>Laid before Parliament</i>		<i>29th April 1980</i>
<i>Coming into Operation</i>		<i>22nd May 1980</i>

At the Court at Windsor Castle, the 21st day of April 1980

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 15(1), 19(2) and 47(1) of the Merchant Shipping Act 1979, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Merchant Shipping Act 1979 (Guernsey) Order 1980 and shall come into operation on 22nd May 1980.

2. In this Order and the Schedule hereto, the expression “the Bailiwick” means the Bailiwick of Guernsey and the territorial waters adjacent thereto.

3.—(1) The provisions of the Merchant Shipping Act 1979 referred to in paragraph (2) below shall extend to the Bailiwick with such modifications as are specified in the Schedule to this Order.

(2) The provisions referred to in paragraph (1) above are sections 14, 17, 18, 19(1), 50 and 52 of, and Schedules 3, 4, 5 and Part I of Schedule 7 to, the said Act.

*N.E. Leigh*  
Clerk of the Privy Council

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## SCHEDULE

### MODIFICATIONS TO THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1979 AS EXTENDED TO THE BAILIWICK OF GUERNSEY BY THIS ORDER

1. Unless the context otherwise requires, any reference in the provisions of the Merchant Shipping Act 1979 as extended to the Bailiwick by this Order to any other provision of that Act shall be construed as a reference to that provision as extended to the Bailiwick.

2. In section 14:—

(i) in subsection (1), for the words “United Kingdom” there shall be substituted the word “Bailiwick”;

(ii) after subsection (5), there shall be inserted the following provision:—

“(5A) An Order in Council made under subsection (4) or (5) above shall have effect in the Bailiwick if registered in the Royal Court and from the date of such registration.”;

and

(iii) in subsection (7), after the words “the Crown”, in both places where they occur, there shall be inserted the words “, the States of Guernsey, the States of Alderney and the Chief Pleas of Sark”.

3. In section 17(1), for the words “United Kingdom” there shall be substituted the word “Bailiwick”.

4. In section 50:—

(i) after subsection (1), there shall be inserted the following provision:—

“(1A) Nothing in sections 17 and 18 of, or Schedule 4 to, this Act shall apply in relation to any liability arising out of an occurrence which took place before the coming into force of those provisions, and section 19(1) of, and Schedule 5 to, this Act shall not affect the operation of any enactment in relation to such an occurrence.”;

(ii) subsections (2) and (3) shall be omitted, and

(iii) in subsection (4), for the words “section 19(4)” there shall be substituted the words “subsection (1A) of this section”.

5. For section 52(2), there shall be substituted the following provision:—

“(2) Any provision of this Act which is extended to the Bailiwick by the Merchant Shipping Act 1979 (Guernsey) Order 1980 shall come into force either on the coming into operation of that Order or on the coming into force of that provision in the United Kingdom, whichever is the later.”.

6. In Part II of Schedule 3:—

(i) for the words “United Kingdom”, wherever they occur, there shall be substituted the word “Bailiwick”;

(ii) for paragraph 3, there shall be substituted the following provision:—

“3. The reference to the law of the court in article 6 shall, as respects the Island of Guernsey, be construed as a reference to Part I of the Law Reform (Tort) (Guernsey) Law 1979, and, as respects the Islands of Alderney and Sark, this paragraph shall be omitted.”;

(iii) paragraph 7 shall be omitted, and

(iv) after paragraph 13, there shall be inserted the following provision:—

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“14. Any Order in Council or any order of the Secretary of State made under this Schedule, as it has effect in the United Kingdom, shall have effect in the Bailiwick if registered in the Royal Court and from the date of such registration.”.

7. In Part II of Schedule 4:—

(i) in paragraph 3:—

- (a) for the words “Secretary of State”, wherever they occur, there shall be substituted the words “States Advisory and Finance Committee”, and
- (b) sub-paragraph (3) shall be omitted;

(ii) in paragraph 4:—

- (a) at the end of sub-paragraph (1), there shall be inserted the words “(as extended to the Bailiwick by the Merchant Shipping (Oil Pollution) Act 1971 (Guernsey) Order 1975)”; and
- (b) at the end of sub-paragraph (2), there shall be inserted the words “(as extended to the Bailiwick by the Nuclear Installations (Guernsey) Order 1978).”;

(iii) for paragraph 6, there shall be substituted the following provision:—

“6.—(1) In the case of a passenger steamer within the meaning of Part II of the Law entitled “Loi relative à la Marine Marchande dans le Bailliage de l'île de Guernesey” registered on 6th June 1916, the ship's certificate mentioned in paragraph 1 of article 7 shall be the passenger steamer's certificate issued under section 8 of that Law.

(2) In paragraph 2 of article 7 the reference to claims brought on behalf of a person includes a reference to any claim in respect of the death of a person under the Law entitled “Loi relative à la Compensation qui pourra être accordée aux familles de personnes dont la mort aura été causée par accident” registered on 28th December, 1900 and the Fatal Accidents (Guernsey) Law, 1960, and as extended to the Island of Alderney and the Island of Sark by the Fatal Accidents and Law Reform (Miscellaneous Provisions) (Bailiwick of Guernsey) Law, 1965.”;

(iv) after paragraph 7, there shall be inserted the following provision:—

“7A. Where an action is brought in the Bailiwick, the reference in paragraph 3 of article 10 to the national law of the State Party shall be construed as a reference to the law of the Bailiwick.”;

(v) in paragraph 8(1), for the words “The Secretary of State may from time to time, with the concurrence of the Treasury,” there shall be substituted the words “The States Advisory and Finance Committee may, from time to time,”;

(vi) after paragraph 10, there shall be inserted the following provision:—

“10A. In article 14, the reference to the law of the State Party shall, where the fund is constituted in the Bailiwick, be construed as a reference to the law of the Bailiwick.”;

(vii) for paragraph 11, there shall be substituted the following provision:—

“11. Reference in the Convention and the preceding provisions of this Part of this Schedule to the court are—

- (a) in relation to the Island of Guernsey, references to the Royal Court sitting as an Ordinary Court;
- (b) in relation to the Island of Alderney, references to the Court of Alderney, and

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(c) in relation to the Island of Sark, references to the Court of the Seneschal of Sark.”,

and

(viii) after paragraph 13, there shall be inserted the following provision:—

“**14.** Any Order in Council or any order of the Secretary of State made under this Schedule, as it has effect in the United Kingdom, shall have effect in the Bailiwick if registered in the Royal Court and from the date of such registration.”.

**8.** In Schedule 5:—

- (i) paragraphs 2, 3, 4 and 5, together with the cross-headings, shall be omitted, and
- (ii) in paragraph 6(1), after the words “Act 1971” there shall be inserted the words “(as extended to the Bailiwick by the Merchant Shipping (Oil Pollution) Act 1971 (Guernsey) Order 1975)”.

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## EXPLANATORY NOTE

This Order extends to the Bailiwick of Guernsey those provisions of the Merchant Shipping Act 1979 which give effect to the Convention relating to the Carriage of Passengers and their Luggage by Sea and to the Convention on Limitation of Liability for Maritime Claims 1976. The Schedule to the Order modifies the said Act, in its extension to Guernsey, so that its provisions will conform to the particular administrative and other conditions prevailing there. In addition, the effect of paragraph 5 of the Schedule to the Order is that any provision of the Act which is extended to Guernsey will come into force either on the coming into operation of this Order or on the coming into force of that provision in the United Kingdom, whichever is the later.